

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CAROLYN BURELL,
Plaintiff,

vs.

**Paul V. Brown, *In his Individual
Capacity***

Defendants.

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CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW Carolyn Burrell, hereinafter called Plaintiff, complaining of and about Paul V. Brown, hereinafter referred to as Defendant, and for cause of action shows unto the Court the following:

INTRODUCTION

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the fourth and fourteenth Amendments to the United States Constitution, against Paul V. Brown, in his individual capacity. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 and on the pendent jurisdiction of this Court to entertain claims arising under state law.

PARTIES AND SERVICE

2. Plaintiff Carolyn Burrell is a citizen of the United States and the State of Texas and resides in Harris County.

3. Defendant Paul V. Brown is an employee of UTMB, service may be effected on Defendant at his place of employment; 301 University BLVD, Galveston, Texas 77555.

JURISDICTION

3. The action arises under 42.U.S.C.A. § 1983.

FACTS

4. On May 15 2008, Paul V. Brown, acting in his capacity as agent of UTMB informed plaintiff that he had reassigned her position; plaintiff alleges that this “reassignment” was an effort on the part of defendant to force her to resign. Said “reassignment” also caused hardship to plaintiff. Eventually, Paul Brown claimed plaintiff had resigned when; in actuality she had not done so.

5. Paul Brown’s action, in his individual capacity and as agent of UTMB, has deprived plaintiff an opportunity to contract, as other white citizens was intentional, in that Paul Brown preferred to send black Registered Nurses (RN) to perform a job designated for lower level staff, i.e. LVNs.

6. Paul Brown is Caucasian male, also the LVN’s who are employed by UTMB are Caucasian. Plaintiff, on the other hand is African American female. Instead of Paul Brown sending LVN’s who are white, to perform such menial job, he chose to send Plaintiff, a registered nurse who is black. Plaintiff remonstrated about this decision; calling attention of Paul Brown to the race element in his decision.

DAMAGES

7. Plaintiff sustained the following damages, as a result of the actions and/or omissions of Defendant described hereinabove;

- a. Court costs
- b. All reasonable and necessary Attorney fees incurred by or on behalf of Plaintiff;
- c. Back pay from the date that Plaintiff was denied equal pay for equal work and

interest on the back pay in an amount to compensate plaintiff as the Court deems equitable and just;

d. All reasonable and necessary costs incurred in the pursuit of this suit;

e. Emotional pain;

f. Inconvenience;

g. Interest;

h. Loss of enjoyment of life;

i. Mental anguish in the past;

j. Mental anguish in the future;

k. Loss of earnings in the past.

EXEMPLARY DAMAGES

8. Plaintiff would further show that the acts and omissions of Defendants complained of herein were committed with malice or reckless indifference to the protected rights of plaintiff. In order to punish said defendant for engaging in unlawful business practices and to deter such actions and/or omissions in the future, Plaintiff also seeks recovery from Defendant for exemplary damages.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Carolyn Burrell, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the plaintiff against Defendant for damages in an amount within the jurisdictional limits of the court; and such other and further relief to which the plaintiff may entitled at law or in equity.

Respectfully submitted,

By: _____/S/
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